



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

MINUTES OF MEETING FEBRUARY 17, 2016 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 17, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Mr. H. Jeffrey Coker, Public Member
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Detention Director Mike Olson, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ DPS
Professor Cornel Stemley, Grand Canyon University

Board Members Absent:

Sergeant Leo Aparicio, Pinal County Sheriff's Office
Mr. David Brown, Public Member

Staff in Attendance:

Ted Brandon
Annie Deer
Mike Deltenre
Marie Dryer
Donna Gieber
Ivan Gelo
Sandy Hansberger
Cathy Hawse
Steve Jacobs
Jack Lane
Sandy Sierra
Chester Szoltysik
Lori Tallerday
Don Yennie

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. He stated he would like to begin the meeting by thanking the staff of AZ POST for the great job they do; he and the entire Board is very grateful to staff for their continued hard work.

B. Introductions, Presentations and Announcements

Program Manager Jack Lane stated there is nothing new to report.

C. Review, discussion and possible action regarding appointment of an Interim Executive Director

Sheriff Dannels made a motion to appoint Jack Lane as Interim Executive Director and to move forward with the Executive Director selection process, seconded by Chief Rodbell, motion carried unanimously.

D. Review, discussion and possible action on the search and selection process for the AZ POST Executive Director Position

Chairman Mascher stated Director Ryan was on the Board when the previous selection process was done in 2009 and it looks like a subcommittee was created to oversee the examination plan and selection process and present a list of qualified candidates to the Board to interview and make a selection. He inquired as to whether Director Ryan would like to be part of a subcommittee for this selection process; Director Ryan indicated he would. The chairman then asked if anyone else would like to sit on this subcommittee and after three more Board members affirmed they would, he then appointed the following Board members to sit on the subcommittee: Director Ryan, Colonel Milstead, Sheriff Dannels and Chief Rodbell. The subcommittee will meet in the very near future to discuss the process.

E. Executive Director's Report

AZ POST Administrative Rules - The rule package was approved by the Governor's Regulatory Review Council on February 2, 2016. The new rules will be effective April 8, 2016, with the exception of several sections which will go into effect August 6, 2016. Distribution of the new rules was made this week by email; when the rules go into effect in April we will print those and distribute accordingly.

Budget – A budget overview was presented to the Board which gave a monthly breakdown of all expenditures and revenues; hopefully this will give the Board a better picture of the current budget situation. We need to start preparing now in order to

address the need for additional funding from the legislature next year. The Criminal Justice Enhancement Fund (CJEF) has declined and this is the sole source of funding for AZ POST. We need to find alternative funding due to the decline of the CJEF.

Board Communications – There will be an ALEA Management Team Meeting on February 22 at AZ POST. Chief Rodbell stated he would like more clarification on what is happening at ALEA; he requested that any information from this meeting be brought to the Board so it is aware of what is going on at ALEA.

Personnel and Staffing – The Compliance Specialist job announcement closes this Friday; we are hoping to have QABs in early March. We are also looking to fill two Training Compliance Specialist positions.

Legislative Update – As far as the budget request for additional funding for Crisis Intervention Training (CIT), the 15 state of the art simulators and the remodeling/refurbishing of the two main academies, if this is something the Board still wants to pursue, we need to do more work on this and have solid numbers before going to the governor for his recommendation on this for his next fiscal year budget. We need to go about this the right way and not underfund. More importantly right now is to take care of the basic duties of AZ POST. It was determined that it would be best to back away from the budget request to the legislature; we need to do what our primary job is first before we launch into other endeavors. CIT is critical, but we need to take care of our basic training needs first. Chief Rodbell stated he wants a more comprehensive plan and what the priority is and what the cost will be for fixing the facilities. He feels we need to take something that is well prepared next year to the governor to request additional funding. It was determined that a needs assessment will be done for all the academies, to include the regional academies in order to get some real solid numbers of what they need. Deputy Director Silbert stated this is what the Board asked for six months ago. He would also like to wait until after the meeting next week to see what changes are being discussed for ALEA because there are philosophical differences and ideas on training at ALEA right now. Chairman Mascher stated the initial legislative budget work should cease. We need to move ahead with what the academies need and start working on a very detailed breakdown of what their needs are. We will focus on next year working with the governor's office on what we need as far as funding. It was suggested that we should invite governor's office to AZ POST to see what we do here.

F. Final Action Cases:

Case #1 – Sean D. Considine – Yavapai County Sheriff's Office
This case was tabled.

Case #2 – Jesus A. Davila – Pima County Sheriff's Department

The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #3 – Dale G. Hoffmann – Maricopa County Sheriff’s Office

Detention Director Olson recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Dannels made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #4 – Mario E. Bertuccelli – Phoenix Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Chief Hall made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Detention Director Olson, motion carried unanimously.

Case #5 – Angel Ramirez – Phoenix Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Mr. Coker made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #6 – Paul J. Riccio – Goodyear Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Dannels, motion carried unanimously.

Case #7 – Arthur G. Siqueiros – Mesa Police Department

Chief Hall and Deputy Director Silbert recused themselves from this case. The Board considered comments from Assistant A.G. Michael Saltz. After a short discussion where the Board voiced its concerns regarding this consent agreement, Mr. Coker made a motion to reject the Consent Agreement, Decision and Order for an 18-month suspension of peace officer certification from December 31, 2014, through July 1, 2016, seconded by Chief Rodbell, motion carried unanimously.

Case #8 – Nicholas I. French – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Andreacola, motion carried unanimously.

Case #9 – Mario L. Leoni – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Sheriff Dannels made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #10 – Eric S. Whittington – Goodyear Police Department

The Board considered comments from Compliance Manager Jack Lane. Assistant A.G. Ahler made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #11 – Troy D. Stuck – Tohono O’odham Police Department

The Board considered comments from Compliance Manager Jack Lane. Sheriff Dannels made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

G. New Charging Cases:Case #1 – Danfred Hunter – San Carlos Tribal Police Department

The Board considered comments from Compliance Specialist Ted Brandon. After a discussion by the Board concerning the lack of case information and cooperation by tribal agencies, Assistant A.G. Ahler made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously. Assistant A.G. Michael Saltz will follow-up on the Board’s authority as it pertains to sovereign nations.

Case #2 – Kimberly K. Penunuri – AZ Department of Public Safety

Assistant Director Silbert recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Mr. Coker made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #3 – Daren Roberts – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Professor Stemley made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Andreacola, motion carried unanimously.

Case #4 – Michael Barriga Jr. – Prescott Valley Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Director Ryan, motion carried unanimously.

Case #5 – Vincent Valenzuela – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Assistant A.G. Ahler made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #6 – Martin L. Walker – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Deputy Director Silbert made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Bryan E. Byrne – Buckeye Police Department

This case was tabled.

Case #8 – Cynthia V. Islava – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to close this case with *No Action with Agency Discretion*, seconded by Deputy Director Silbert, motion carried unanimously.

Case #9 – Douglas L. Rose – Chandler Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Assistant A.G. Ahler made a motion to *Initiate Proceedings*, seconded by Deputy Director Olson, motion carried unanimously.

Case #10 – Patrick B. Sullivan – AZ Department of Gaming

The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to *Resolve in Future*, seconded by Sergeant Andreacola, motion carried unanimously.

Case #11 – Shalene V. Weber – Kingman Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Deputy Director Silbert made a motion to close this case with *No Action*, seconded by Sheriff Dannels, motion carried unanimously.

Case #12 – Terry L. Chacon – AZ Department of Agriculture – Animal Services

The Board considered comments from Compliance Specialist Lori Tallerday. Chief Rodbell made a motion to close this case with *No Action with Agency Discretion*, seconded by Chief Hall, motion carried unanimously.

Case #13 – Ramon A. De La Torre – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Lori Tallerday. Sheriff Dannels made a motion to *Initiate Proceedings*, seconded by Director Ryan, motion carried unanimously.

Case #14 – Tyrone M. Hubbell – Salt River Pima-Maricopa Indian Community

The Board considered comments from Compliance Specialist Lori Tallerday. Director Ryan made a motion to *Initiate Proceedings*, seconded by Professor Stemley, motion carried unanimously.

H. Future Agenda Items

At a previous meeting the Board requested that the subject of DUIs be placed on a future agenda. This item will be on the March agenda for review, discussion and possible action.

I. Adjourn

Chairman Mascher adjourned the meeting at 11:31 a.m.